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February 4, 2025

By ECF

The Honorable LaShann DeArcy Hall
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Hasbajrami*,
11 Cr. 623 (JG)

Dear Judge DeArcy Hall:

I, along with Joshua L. Dratel, Esq., represent Defendant Agron Hasbajrami in the above-referenced matter. Pursuant to Rule 4(b)(4) of the Federal Rules of Appellate Procedure, we write to request a 30-day extension of time – to **Thursday, March 6, 2025** – for Defendant to file a Notice of Appeal, if any, of this Court’s Memorandum and Order, dated, December 2, 2024 (publicly filed and disclosed to counsel on January 21, 2025) (Doc. No. 219). We respectfully submit that “good cause” exists to extend Mr. Hasbajrami’s filing deadline.

Rule 4(b)(4) provides in full:

Motion For Extension of Time. Upon a finding of excusable neglect or good cause, the district court may – before or after the time has expired, with or without motion and notice – extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b).

This Court’s order was publicly filed and released to defense counsel on January 31, 2025. As such, Mr. Hasbajrami’s ordinary deadline to decide whether to appeal this Court’s Memorandum and Order and file a Notice of Appeal would be today, February 4, 2025. *See* Fed.R.Crim.P. 4(b)(1)(A)(i). Good cause exists, however, to extend today’s filing deadline.

First, in a letter filed yesterday (Doc. No. 221), the Government informed defense counsel and the Court that the United States Intelligence Community (“USIC”) “has agreed to declassify the date on page 54 of this Court’s Memorandum and Order so that the defendant may use the information in any subsequent appeal,” and also that the “USIC anticipates providing an

updated redacted version of the Court's Memorandum and Order *later this week*" (emphasis added), and therefore *after* today's filing deadline.

The date in question had been requested by counsel in order to challenge this Court's conclusion that "the relevant queries here occurred in [REDACTED], long before agents could have been expected to know that the querying required a warrant." Letter from defense counsel, dated, January 24, 2025 (Doc. No. 220), quoting, Memorandum and Order at 54. Once the undersigned have been informed of the date that had been redacted, we will be in a position to advise Mr. Hasbajrami whether a non-frivolous basis exists to appeal this Court's decision, given that the "good faith" exception to the Fourth Amendment warrant requirement is the only portion of this Court's Memorandum and Order that we believe Mr. Hasbajrami might want to appeal.

Second, to date Mr. Dratel and I have been unable to speak with Mr. Hasbajrami to discuss this Court's Memorandum and Order. The earliest we had initially been able to schedule a legal call with Mr. Hasbajrami to discuss the Memorandum and Order was Thursday, January 30, 2025, however, FCI Thomson cancelled the call prior to it taking place and the earliest that FCI Thomson has been able to reschedule the call is February 10, 2025. As such, we do not know yet whether Mr. Hasbajrami has received a copy of the Memorandum and Order, reviewed it, or decided whether he wishes to appeal, and we will not know until *at least* February 10, 2025.

We ask to extend Mr. Hasbajrami's deadline to the full extent permitted under Rule 4(b)(4) – March 6, 2025 – as we have no control over whether FCI Thomson will further delay our legal call with Mr. Hasbajrami, and as such no guarantee that our call with Mr. Hasbajrami will take place on February 10, 2025, nor that further scheduling delays caused by FCI Thomson will not arise.

Finally, we note that we have emailed with Assistant United States Attorney Sara Winik, who has informed us that the Government has no objection to the instant application.

Accordingly, for all of the above-stated reasons, Defendant Agron Hasbajrami, by and through counsel, respectfully submits that "good cause" exists to extend Mr. Hasbajrami's Notice of Appeal filing deadline. Accordingly, pursuant to Fed.R.App.P. 4(b)(4) and 4(b)(1)(A)(i), the defense respectfully requests that Mr. Hasbajrami's Notice of Appeal filing deadline be extended from today to **Thursday, March 6, 2025**.

Respectfully Submitted,

/s/ Michael K. Bachrach

Michael K. Bachrach

Joshua L. Dratel

Attorneys for Defendant Agron Hasbajrami

cc: All parties of record (by ECF)